

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant(s): Lavian | |
| Application No.: 09/522332 | Group Art Unit: 2143 |
| Filed: 03/09/2000 | |
| Title: Method and Apparatus for Accessing Network Information On Network Device | Examiner: Boutah |
| Attorney Docket No.: 120-467 | |

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S (THREE TIMES AMENDED) BRIEF PURSUANT TO 37 C.F.R. § 1.192

Dear Sir:

This Appellant's brief is hereby submitted in accordance with a Notice of Appeal filed
April 10, 2007.

I. Real Party in Interest

The real party in interest is Nortel Networks, Limited.

II. Related Appeals and Interferences

Appellant is not aware of any appeals or interferences that are related to the present application.

III. Status of the Claims

This is an appeal from a decision by the Primary Examiner dated April 4, 2007, finally rejecting claims 1-7, 9-11 and 13-34. No claims are allowed. The rejections of independent claims 1, 11, 22, 31, and 32 are the subject of this appeal. All pending claims are listed in Appendix A.

IV. Status of Amendments

The most recent amendment was submitted on March 19, 2007. It is the understanding of the Appellant that the March 19, 2007 Amendment was not entered by the Examiner. A previous Amendment, submitted October 5, 2006, was entered and considered.

V. Summary of Claimed Subject Matter

The subject matter of independent claims 1, 11, 22, 31, and 32 is managing network resources by distributing tasks from a network management server to other network devices. In particular, tasks are distributed at the request of a network

management server by downloading selected applications to network devices on which the applications execute. The applications are downloaded from a device such as an application server. One advantage of distributing network tasks is that it reduces the processing load on the network management server, thereby enabling it to process more critical tasks.¹ Further, distributing tasks reduces bandwidth requirements by reducing the amount of status information communicated between network nodes and the network management server.² Downloading the applications associated with tasks from a device such as the application server facilitates version control and updates. Support for the limitations recited in the claims is in the Specification as described below.

Claim 1 is supported by the Specification and drawing as indicated below:

A system for managing network resources comprising:

a network management server (**server 116, Figure 1**) configured to execute a network management application which causes the network management server to perform network management instructions including,

sending one or more network commands to one or more network devices (**102, 104, 106, 112, Figure 1**) connected to a network causing reconfiguration of how the one or more network devices process network traffic, (**“A network application distributed to each network device collects relevant network parameters from each network device ... [e]ach network application can be programmed to perform a series of complex operations using an object-oriented programming language such as Java ... [t]he network application interfaces on each network device provides an application**

¹ Specification at page 2, lines 14-23; page 4, lines 19-20

² Id.

programming interface (API).” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10)

receiving one or more status packets from the one or more network devices in response to the one or more network commands, **(“In such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10)** and

performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets, the network management server further configured to request **(step 502, Figure 5; “Initially, the NMS requests that the network device load a set of operations associated with a particular task.” Page 11, lines 4-5)** that a network device load the network management application, the network device being among the one or more network devices; **(“A network application distributed to each network device collects relevant network parameters from each network device and transmits the results back to a central NMS or to other network devices on the network for further analysis.” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network**

devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10) and

a network device configured to download **(Step 508, Figure 5)** the network management application and execute **(Id.)** the network management application which causes the network device to perform the network management instructions including, **(“The client node user interface 114 allows the user to perform network management tasks that execute directly on target network device 112.” Page 5, lines 12-13; “The network device loads and executes the requested application (step 508).” Page 11, line 17.**

reconfiguring how network traffic is processed, **(“For example, application server 108 may provide an application to a network device that enables the device to filter network traffic containing data packets generated from activities not critical to business, such as browsing the Internet ... the resulting increase in bandwidth can be used for more critical business needs.” Page 4, lines 16-20.**

sending one or more second network commands to one of the one or more network devices, **(“If the network parameter is associated with a remote network device, the network management application forms and sends a request for the**

network parameter to the remote network address of the network device (step 606).” Page 12, lines 19-21, referencing Figure 6.)

receiving one or more second status packets from one of the one more network devices in response to the one or more second network commands, (**“Once the network parameter is received on a remote network device, the corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 (step (610).” Page 12, lines 28-31.**

performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more second status packets, (**“[T]he corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 for processing by the network application executing on a local network device (step (610).” Page 12, lines 28-31.**

and

sending results of the analysis to the network management server for use in management of the network, (**“Once the information or results are generated, the network device provides information back to the NMS for processing (Step 510).” Page 11, lines 22-23; [T]he network management application can access the network parameters on the local device directly (step 611) using a software interface.” Page 13, lines 3-5)**

the network device having a loop back address via which the downloaded network management application accesses local storage and resources using a local network protocol stack and local network protocol parameters. (**[T]he network management application sends a request for a network parameter through the network protocol**

of the local network device using the “loopback” address (step 612).” Page 13, lines 9-11.

Claim 11 is supported as follows: A computer-implemented method of distributing management of network resources on a network to network devices exchanging information over the network, comprising:

executing a network management application through a network management server to perform network management instructions including an analysis of use of network resources on one or more network devices connected to a network; (**“A network application distributed to each network device collects relevant network parameters from each network device ... [e]ach network application can be programmed to perform a series of complex operations using an object-oriented programming language such as Java ... [t]he network application interfaces on each network device provides an application programming interface (API).”** page 3, lines 20-26; **“[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.”** page 5, lines 4-10)

receiving a request on a network device among the one or more network devices to execute the network management application including reconfiguring how one or more of the network devices processes network traffic request **(step 502, Figure 5; “Initially, the NMS requests that the network device load a set of operations associated with a particular task.” Page 11, lines 4-5)** and performing an analysis of use of network resources on one or more other network devices connected to the network; **(“A network application distributed to each network device collects relevant network parameters from each network device and transmits the results back to a central NMS or to other network devices on the network for further analysis.” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10)**

receiving the network management application at the network device over the network wherein the network management application includes the network management instructions for reconfiguring the network device and performing the analysis task; **(“The client node user interface 114 allows the user to perform network management tasks that execute directly on target network device 112.” Page 5, lines 12-13; “The network device loads and executes the requested application (step 508).” Page 11, line 17.**

reconfiguring the network device; (**“For example, application server 108 may provide an application to a network device that enables the device to filter network traffic containing data packets generated from activities not critical to business, such as browsing the Internet ... the resulting increase in bandwidth can be used for more critical business needs.”** Page 4, lines 16-20.

processing the network management instructions on the network device that requests a network parameter from a remote network device, the remote network device being among the one or more other network devices, the network management instructions including;

transmitting the request for the network parameter over the network to the remote network; (**“If the network parameter is associated with a remote network device, the network management application forms and sends a request for the network parameter to the remote network address of the network device (step 606).”** Page 12, lines 19-21, referencing Figure 6.) and

receiving the requested network parameter over the network from the remote network device, (**“Once the network parameter is received on a remote network device, the corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 (step (610)).”** Page 12, lines 28-31.

processing the network management instructions including performing the analysis on the network device using the network parameter; (**“[T]he corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 for processing by the network application executing on a local network device (step (610)).”** Page 12, lines 28-31. and

providing results of the analysis to the network management server in response to the request to execute the task, (**“Once the information or results are generated, the network device provides information back to the NMS for processing (Step 510).”**

Page 11, lines 22-23; [T]he network management application can access the network parameters on the local device directly (step 611) using a software interface.” Page 13, lines 3-5)

the network device having a loop back address, and the received network management application performing the step of accessing local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address. (**[T]he network management application sends a request for a network parameter through the network protocol of the local network device using the “loopback” address (step 612).” Page 13, lines 9-11.**

Claim 22 is supported as follows: An apparatus for distributing network management of a network to network devices, comprising:

a network management server configured to execute a network management application which causes the network management server to perform network management instructions including, sending one or more network commands to one or more network devices connected to a network, (**“A network application distributed to each network device collects relevant network parameters from each network device ... [e]ach network application can be programmed to perform a series of complex operations using an object-oriented programming language such as Java ...**

[t]he network application interfaces on each network device provides an application programming interface (API).” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10)

receiving one or more status packets from the one more network devices in response to the one or more network commands, **(step 502, Figure 5; “Initially, the NMS requests that the network device load a set of operations associated with a particular task.” Page 11, lines 4-5) and**

performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets, the network management server further configured to request that a network device load the network management application, the network device being among the one or more network devices; **(“A network application distributed to each network device collects relevant network parameters from each network device and transmits the results back to a central NMS or to other network devices on the network for further analysis.” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing**

load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10) and

a processor (**204, Figure 2**); and

a memory (**202, Figure 2**) containing instructions when executed cause the processor to,

receive the request on the network device to execute the network management application that performs the network management instructions receive the network management application over the network on the network device wherein the network management application has the instructions for performing the network management instructions including, (**“The client node user interface 114 allows the user to perform network management tasks that execute directly on target network device 112.” Page 5, lines 12-13; “The network device loads and executes the requested application (step 508).” Page 11, line 17.**

reconfiguring how the network devices processes network traffic, requesting network parameters from a remote network device, the remote network device being among the one or more network devices, (**“For example, application server 108 may provide an application to a network device that enables the device to filter network traffic containing data packets generated from activities not critical to**

business, such as browsing the Internet ... the resulting increase in bandwidth can be used for more critical business needs.” Page 4, lines 16-20.

transmitting the request for the network parameter over the network to the remote network, (**“If the network parameter is associated with a remote network device, the network management application forms and sends a request for the network parameter to the remote network address of the network device (step 606).” Page 12, lines 19-21, referencing Figure 6.)**

receiving the requested network parameter over the network from the remote network device, (**“Once the network parameter is received on a remote network device, the corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 (step (610).” Page 12, lines 28-31.**

processing the instruction for performing the analysis on the remote network device using the network parameter; (**“[T]he corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 for processing by the network application executing on a local network device (step (610).” Page 12, lines 28-31. and**

providing results of the analysis to the network management server in response to the request to execute the network management instructions, (**“Once the information or results are generated, the network device provides information back to the NMS for processing (Step 510).” Page 11, lines 22-23; [T]he network management**

application can access the network parameters on the local device directly (step 611) using a software interface.” Page 13, lines 3-5)

the network device having a loop back address, and the received network management application having instructions for accessing local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address. **([T]he network management application sends a request for a network parameter through the network protocol of the local network device using the “loopback” address (step 612).” Page 13, lines 9-11.**

Claim 31 is supported as follows: An apparatus for distributing network management of a network to network devices exchanging information over the network comprising:

means for executing a network management application through a network management server to perform network management instructions including an analysis of use of network resources on one or more network devices connected to a network **(“A network application distributed to each network device collects relevant network parameters from each network device ... [e]ach network application can be programmed to perform a series of complex operations using an object-oriented programming language such as Java ... [t]he network application interfaces on each network device provides an application programming interface (API).” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up**

NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10):

means for receiving a request on a network device among the one or more other network devices to execute the network management application including reconfiguring how the network devices processes network traffic (**“For example, application server 108 may provide an application to a network device that enables the device to filter network traffic containing data packets generated from activities not critical to business, such as browsing the Internet ... the resulting increase in bandwidth can be used for more critical business needs.” Page 4, lines 16-20** and performing an analysis of use of network resources on one or more other network devices connected to the network; **(step 502, Figure 5; “Initially, the NMS requests that the network device load a set of operations associated with a particular task.” Page 11, lines 4-5)**

means for receiving on the network management application at the network device over the network wherein the network management application includes the network management instructions for performing the analysis task; (**“The client node user interface 114 allows the user to perform network management tasks that execute directly on target network device 112.” Page 5, lines 12-13; “The network device loads and executes the requested application (step 508).” Page 11, line 17**

means for processing the network management instructions on the network device that requests network parameters from a remote network device, (**“A network**

application distributed to each network device collects relevant network parameters from each network device and transmits the results back to a central NMS or to other network devices on the network for further analysis.” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10) the remote network device being among the one or more other network devices, the network management instructions including,

means for transmitting the request for the network parameter over the network to the remote network; (**“If the network parameter is associated with a remote network device, the network management application forms and sends a request for the network parameter to the remote network address of the network device (step 606).”** Page 12, lines 19-21, referencing Figure 6.) and

means for receiving the requested network parameter from the remote network device over the network, (**“Once the network parameter is received on a remote network device, the corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 (step (610)).”** Page 12, lines 28-31

means for processing the network management instructions including reconfiguring how the network devices processes network traffic and performing the

analysis on the network device using the network parameter; (**“[T]he corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 for processing by the network application executing on a local network device (step (610)).”** Page 12, lines 28-31 and

means for providing results of the analysis to the network management server in response to the request to execute the task, the network device having a loop back address, and the received network management instructions including means for accessing local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address. (**[T]he network management application sends a request for a network parameter through the network protocol of the local network device using the “loopback” address (step 612).”** Page 13, lines 9-11.

Claim 32 is supported as follows: A computer program product, for distributing network management of a network to network devices exchanging information over the network, the product comprising program code instructions to cause a processor to:

execute a network management application through a network management server to perform network management instructions including an analysis of use of network resources on one or more network devices connected to a network, (**“A network application distributed to each network device collects relevant network parameters from each network device ... [e]ach network application can be programmed to perform a series of complex operations using an object-oriented programming language such as Java ... [t]he network application interfaces on each**

network device provides an application programming interface (API).” page 3, lines 20-26; “[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.” page 5, lines 4-10)

receive a request on a network device among the one or more network devices to execute the network management application including reconfiguring how the network devices processes network traffic and performing an analysis of use of network resources on one or more other network devices connected to the network; (**“For example, application server 108 may provide an application to a network device that enables the device to filter network traffic containing data packets generated from activities not critical to business, such as browsing the Internet ... the resulting increase in bandwidth can be used for more critical business needs.” Page 4, lines 16-20**

receive an the network management application at the network device over the network wherein the network management application includes the network management instructions for performing the analysis task; (**“The client node user interface 114 allows the user to perform network management tasks that execute directly on target network device 112.” Page 5, lines 12-13; “The network device loads and executes the requested application (step 508).” Page 11, line 17**

process the network management instructions on the network device that requests network parameters from a remote network device, the remote network device being among the one or more other network devices, (**“A network application distributed to each network device collects relevant network parameters from each network device and transmits the results back to a central NMS or to other network devices on the network for further analysis.”** page 3, lines 20-26; **“[S]ystem 100 distributes processing to the network devices that are in communication with the network ... [t]his reduces the processing load and frees up NMS 116 so that it can process more critical tasks ... [f]or example, network device 102 may monitor network traffic between it and network 111 to reduce the processing load on NMS server 116 ... [i]n such a case, NMS 116 might receive a notification from network device 102 when device 102 detects that the network bandwidth has exceeded a predetermined threshold.”** page 5, lines 4-10) the network management instructions including instructions to cause the processor to

transmit the request for the network parameter over the network to the remote network; (**“If the network parameter is associated with a remote network device, the network management application forms and sends a request for the network parameter to the remote network address of the network device (step 606).”** Page 12, lines 19-21, referencing Figure 6.) and

receive from the remote network device the requested network parameter over the network (**“Once the network parameter is received on a remote network device, the corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 (step (610).”** Page 12, lines 28-31

process the network management instructions including reconfiguring how the network devices processes network traffic and performing the analysis on the network device using the network parameter; **(“[T]he corresponding SNMP stack packages the result into a PDU and sends the results back to SNMP stack 217 for processing by the network application executing on a local network device (step (610).” Page 12, lines 28-31 and**

provide results of the analysis to the network management server in response to the request to execute the task, the network device having a loop back address, and the network management instructions causing the processor to access local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address. **([T]he network management application sends a request for a network parameter through the network protocol of the local network device using the “loopback” address (step 612).” Page 13, lines 9-11.**

VI. Grounds of Rejection to be Reviewed on Appeal

- A. Claims 1-7, 9-11 and 13-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bonnel in view of Agarwal
- B. The Examiner indicated in the Advisory Action of April 4, 2007 that the previous Amendment raised issues that would require further search

VII. Argument

A. The recited invention distinguishes Bonnel in view of Agarwal because network management applications are distributed to a network device from another device at the request of the network management server

With regard to claim 1, the Office asserts that the recited limitation:

the network management server further configured to request that a network device load the network management application, ... network device configured to **download** the network management application and execute the network management application which causes the network device to perform the network management instructions including, (emphasis added)

is taught in Bonnel at column 7, lines 14-21³, which describes “knowledge modules”

which are selectively loaded based on resources, parameters and events of interest.

However, the claimed network management application is distinct from the knowledge modules of Bonnel because, as described in the Bonnel passage cited by the Examiner, “knowledge modules are **stored locally** at the site of each server system on which the agent process is to run.”⁴ (emphasis added) Further, Bonnel teaches that the agent selects the appropriate knowledge modules to load, rather than the console system, i.e., consoles tell agents which resources are of interest ... in response, the agent loads knowledge modules.⁵ It follows that the knowledge modules are neither downloaded from another device, nor downloaded at the request of a network management device such as the “console system,” which the Office equates to the claimed network management server. As taught in the Specification, “the NMS requests that a network device load a set of operations associated with a particular task (step 502) ... [i]n response to the request to

³ Note that the Examiner relies upon Agarwal for teaching other limitations of the claim.

⁴ Bonnel at column 7, lines 15-16

load a set of operations, the network device accesses an application server having the application(s) capable of performing the set of operations associated with the task (step 504) [t]he network device loads and executes the requested application (step 508).”⁶

The distinctive distribution of network management applications from the application server to a network device at the request of the network management server is recited in each of the independent claims. For example, claim 1 recites “performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets, the network management server further configured to **request that a network device load the network management application** ... a network device configured to **download the network management application** and execute the network management application which causes the network device to perform the network management instructions.” (emphasis added) Similarly, claim 11 recites “receiving the network management application at the network device over the network wherein the network management application includes the network management instructions for reconfiguring the network device and performing the analysis task.” Similarly, claim 22 recites “the network management server further configured to request that a network device load the network management application.” Similarly, claim 31 recites “means for receiving the network management application at the network device over the network wherein the network management application includes the network management instructions for performing the analysis task,” and claim 32 recites “receive a network management application at the network device over

⁵ Bonnel at column 7, lines 15-22

⁶ Specification, page 5, lines 4-5, 8-10 and 17

the network wherein the network management application includes the network management instructions for performing the analysis task.” The rejections of independent claims 1, 11, 22, 31, and 32 should therefore be withdrawn.

Claims 2-7, 9-10, 13-30, and 33-34 are dependent claims which further distinguish the invention. The rejections of those claims based on Bonnel in view of Agarwal should therefore also be withdrawn.

B. A new search is not justified because the April 10, 2007 amendment merely emphasizes a limitation that has always been in the claims

In the continuation sheet of the Advisory Action dated April 4, 2007 the Examiner asserts that the amendment raises new issues that would require further consideration and search. In the amendment, Applicant emphasizes the distinctive limitation that the network device download an application from another device at the request of the network management server, but only because it became necessary to point out that limitation to respond to the assertion by the Examiner that the knowledge modules of Bonnel are equivalent to the claimed network management application. The limitations in question have always been recited in the claims, even as originally filed. For example, original claim 1 reads as follows:

a network device operatively connected to the network having a processor capable of **downloading a task over the network**, executing the task, and providing results from the task; and
a network management server that **requests that the network device execute a task** related to the management of resources associated

with the network and receives the results from the task for use in management of the network. (emphasis added)

Similar limitations are recited in independent claims 11, 22, 31 and 32 as originally filed.

In the April 10, 2007 amendment, claim 1 was amended to read as follows:

performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets, the network management server further configured to **request that a network device load the network management application from another device**, the network device being among the one or more network devices; and

a network device configured to **download the network management application** and execute the network management application which causes the network device to perform the network management instructions including (emphasis added)

Note that the added language “from another device” is redundant with the pre-existing language in bold typeface, i.e., a network device would not “download” an application from itself. Therefore, a new search is not justified.⁷

⁷ This application has been in active prosecution since January of 2003. Since that time, the Office has issued numerous office actions on the merits, including non-final and final rejections, and advisory actions. If it is the position of the Office that limitations recited in the claims since the date of filing have not yet been searched and considered, Appellant respectfully request an explanation as to how and why that happened.

VIII. Conclusion

For the reasons stated above, both the rejections of independent claims 1, 11, 22, 31, and 32, and the asserted need for a new search are unfounded. Appellant therefore requests that the rejections be withdrawn and the case put forward for allowance.

Respectfully Submitted,

June 2, 2008
Date

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Appendix A - Claims

1. (previously presented) A system for managing network resources comprising:

a network management server configured to execute a network management application which causes the network management server to perform network management instructions including,

sending one or more network commands to one or more network devices connected to a network causing reconfiguration of how the one or more network devices process network traffic,

receiving one or more status packets from the one more network devices in response to the one or more network commands, and

performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets, the network management server further configured to request that a network device load the network management application, the network device being among the one or more network devices; and

a network device configured to download the network management application and execute the network management application which causes the network device to perform the network management instructions including,

reconfiguring how network traffic is processed,

sending one or more second network commands to one of the one or more network devices,

receiving one or more second status packets from one of the one more network devices in response to the one or more second network commands,

performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more second status packets, and

sending results of the analysis to the network management server for use in management of the network,

the network device having a loop back address via which the downloaded network management application accesses local storage and resources using a local network protocol stack and local network protocol parameters.

2. (previously presented) The system in claim 1, wherein the task network management application includes network management instructions compatible with a network management protocol.
3. (original) The system in claim 2, wherein the network management protocol includes the simple network management protocol (SNMP).
4. (previously presented) The system in claim 1, wherein the task network management application includes network management instructions compatible with an object-oriented programming language.
5. (previously presented) The system in claim 1, wherein the task network management application includes network management instructions compatible with byte-codes executable on a virtual machine.
6. (original) The system in claim 5, wherein the virtual machine is compatible with the Java Virtual Machine.
7. (previously presented) The system in claim 1, wherein the task network management application includes network management instructions compatible with the Java object-oriented programming language.
8. (cancelled)
9. (previously presented) The system in claim 1, further comprising an application server device connected to the network and used to store one or more network management applications downloadable onto the network device.

10. (previously presented) The system in claim 1, wherein the task network monitors a network parameter associated with the network and notifies the network management server when the network parameter reaches a threshold level.

11. (previously presented) A computer-implemented method of distributing management of network resources on a network to network devices exchanging information over the network, comprising:

- executing a network management application through a network management server to perform network management instructions including an analysis of use of network resources on one or more network devices connected to a network;

- receiving a request on a network device among the one or more network devices to execute the network management application including reconfiguring how one or more of the network devices processes network traffic and performing an analysis of use of network resources on one or more other network devices connected to the network;

- receiving the network management application at the network device over the network wherein the network management application includes the network management instructions for reconfiguring the network device and performing the analysis task;

- reconfiguring the network device;

- processing the network management instructions on the network device that requests a network parameter from a remote network device, the remote network device being among the one or more other network devices, the network management instructions including;

- transmitting the request for the network parameter over the network to the remote network; and

- receiving the requested network parameter over the network from the remote network device,

- processing the network management instructions including performing the analysis on the network device using the network parameter; and

- providing results of the analysis to the network management server in response to the request to execute the task,

the network device having a loop back address, and the received network management application performing the step of accessing local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address.

12. (cancelled)

13. (previously presented) The method in claim 11, wherein providing results further comprises:
notifying a the network management server when the network parameter reaches a threshold level.

14. (previously presented) The method in claim 11 wherein the task network management application includes network management instructions compatible with a network management protocol.

15. (original) The method in claim 14 wherein the network management protocol includes the simple network management protocol (SNMP).

16. (previously presented) The method in claim 11, wherein the task network management application includes network management instructions compatible with an object-oriented programming language.

17. (previously presented) The method in claim 11, wherein the task network management application includes network management instructions compatible with byte-codes executable on a virtual machine.

18. (original) The method in claim 16, wherein the virtual machine is compatible with the Java Virtual Machine.

19. (previously presented) The method in claim 11, wherein the task network management application includes network management instructions compatible with the Java object-oriented programming language.

20. (previously presented) The method in claim 11, wherein the a processor on the network device executes a network management instruction that analyzes the utilization of network resources on one or more network devices connected to the network.

21. (previously presented) The method in claim 11, further comprising an application server device connected to the network, the application server device being used to store one or more network management applications that are downloadable onto the network device.

22. (previously presented) An apparatus for distributing network management of a network to network devices, comprising:

- a network management server configured to execute a network management application which causes the network management server to perform network management instructions including,

- sending one or more network commands to one or more network devices connected to a network,

- receiving one or more status packets from the one more network devices in response to the one or more network commands, and

- performing an analysis of use of network resources on the one or more network devices connected to a network using the one or more status packets, the network management server further configured to request that a network device load the network management application, the network device being among the one or more network devices; and

- a processor; and

- a memory containing instructions when executed cause the processor to,

- receive the request on the network device to execute the network management application that performs the network management instructions

receive the network management application over the network on the network device wherein the network management application has the instructions for performing the network management instructions including,

reconfiguring how the network devices processes network traffic,

requesting network parameters from a remote network device, the remote network device being among the one or more network devices,

transmitting the request for the network parameter over the network to the remote network,

receiving the requested network parameter over the network from the remote network device,

processing the instruction for performing the analysis on the remote network device using the network parameter; and

providing results of the analysis to the network management server in response to the request to execute the network management instructions,

the network device having a loop back address, and the received network management application having instructions for accessing local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address.

23. (previously presented) The apparatus of claim 22 wherein the memory contains additional instructions for execution on the processor that continue processing network management instructions on the network device using the network parameter, and providing and provide results of the analysis in response to the request to execute the task.

24. (original) The apparatus of claim 22 wherein the memory contains additional instructions for execution on the processor and providing results of the analysis that further notify the network management server when the network parameter reaches a threshold level.

25. (previously presented) The apparatus of claim 22 wherein the processor executes network management instructions compatible with a network management protocol.

26. (original) The apparatus of claim 25 wherein the network management protocol includes the simple network management protocol (SNMP).

27. (previously presented) The apparatus of claim 22, wherein the processor executes network management instructions compatible with an object-oriented programming language.

28. (previously presented) The apparatus of claim 22, wherein the processor executes network management instructions compatible with byte-codes executable on a virtual machine.

29. (original) The apparatus of claim 28, wherein the virtual machine is compatible with the Java Virtual Machine.

30. (previously presented) The apparatus of claim 22, wherein the processor executes network management instructions compatible with the Java object-oriented programming language.

31. (previously presented) An apparatus for distributing network management of a network to network devices exchanging information over the network comprising:

means for executing a network management application through a network management server to perform network management instructions including an analysis of use of network resources on one or more network devices connected to a network;

means for receiving a request on a network device among the one or more other network devices to execute the network management application including reconfiguring how the network devices processes network traffic and performing an analysis of use of network resources on one or more other network devices connected to the network;

means for receiving on the network management application at the network device over the network wherein the network management application includes the network management instructions for performing the analysis task;

means for processing the network management instructions on the network device that requests network parameters from a remote network device, the remote network device being among the one or more other network devices, the network management instructions including,

means for transmitting the request for the network parameter over the network to the remote network; and

means for receiving the requested network parameter from the remote network device over the network,

means for processing the network management instructions including reconfiguring how the network devices processes network traffic and performing the analysis on the network device using the network parameter; and

means for providing results of the analysis to the network management server in response to the request to execute the task,

the network device having a loop back address, and the received network management instructions including means for accessing local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address.

32. (previously presented) A computer program product, for distributing network management of a network to network devices exchanging information over the network, the product comprising program code instructions to cause a processor to:

execute a network management application through a network management server to perform network management instructions including an analysis of use of network resources on one or more network devices connected to a network,

receive a request on a network device among the one or more network devices to execute the network management application including reconfiguring how the network devices processes network traffic and performing an analysis of use of network resources on one or more other network devices connected to the network;

receive an the network management application at the network device over the network wherein the network management application includes the network management instructions for performing the analysis task;

process the network management instructions on the network device that requests network parameters from a remote network device, the remote network device being among the one or more other network devices, the network management instructions including instructions to cause the processor to.

transmit the request for the network parameter over the network to the remote network; and

receive from the remote network device the requested network parameter over the network

process the network management instructions including reconfiguring how the network devices processes network traffic and performing the analysis on the network device using the network parameter; and

provide results of the analysis to the network management server in response to the request to execute the task,

the network device having a loop back address, and the network management instructions causing the processor to access local storage and resources using a local network protocol stack and local network protocol parameters via the loop back address.

33. (previously presented) The system in claim 1, wherein the network device performing an analysis of use of network resources on the one or more network devices connected to a network reduces processing load on the network management server and frees up the network management server to perform tasks other than performing an analysis of use of network resources.

34. (previously presented) The method in claim 11, wherein processing the network management instructions on the network device reduces processing load on the network management server and frees up the network management server to perform tasks other than performing an analysis of use of network resources.

Appendix B - Evidence Submitted

None.

Appendix C - Related Proceedings

None.